

Approved: May 2, 1996  
Date

MINUTES OF THE SENATE COMMITTEE ON EDUCATION.

The meeting was called to order by Chairperson Barbara Lawrence at 1:30 p.m. on March 5, 1996 in Room 123-S of the Capitol.

All members were present except:

Committee staff present: Ben Barrett, Legislative Research Department  
Avis Swartzman, Revisor of Statutes  
Jennifer Bishop, Committee Secretary

Conferees appearing before the committee: Merle Hill  
Dr. James Grote, President Seward County  
Dr. Ronald Sandstrom, Chairman Dept. Math & Computer  
Science- Hays, KS  
Dr. Bobby Patton, V.P. Academic Affairs, Wichita  
Representative Lisa Benlon  
Mark Tallman, KASB  
Mari Pat Brooks, Kansas Catholic Conference

Others attending: See attached list

Discussion was held on **HB 2605** and **2606**.

Senator Emert made a motion to pass **HB 2605** and **2606**. Senator Downey seconded the motion. The motion carried.

**HB 2671: Community colleges relating to student tuition rates**

Merle Hill read testimony for Dr. Pat McAtee who is President at Cowley County Community College and Area Vo-Tech School. Dr. McAtee is in support of **HB 2671**. Dr. McAtee's testimony stated that Cowley County borders Oklahoma by 2 1/2 miles. The people in those surrounding towns shop and work in Cowley County. A major contributor to the college, the Home National Bank, has a branch located in Ponca City, Oklahoma which employs 80 people from Oklahoma. The College provides training for the bank, charges \$27 an hour for residents of Cowley County and is required by statute to charge \$81 an hour for residents in Oklahoma. The College also has established a partnership with Pioneer Technical college in Ponca City and would like to offer an associate degree completion program as the Cowley College does for the Wichita Technical College. However, the \$81 per credit hour charge is a major barrier for Pioneer's students. Currently, Cowley has 100 students from out of state. One half of these students are from Oklahoma. There are no student-athletes from the contiguous out-of-state counties of Kay, Grant and Osage. The College does not receive any state funds for out-of-state students. Presently, the Board of Trustees has the authority to set tuition for in-state students. Cowley County supports a bill that would extend this authority to include the contiguous border counties to our south in Oklahoma. This would allow Cowley County to serve better the many people who work in, shop in and frequent the Cowley county service area (Attachment 1).

Dr. Ron Sandstrom stated that the remedial mathematics classes taught by Barton County Community College staff has allowed the Mathematics and Computer Science Department of Fort Hays State University to reduce the enrollment numbers in beginning mathematics classes to 35, thereby increasing teaching effectiveness. Courses so affected include College Algebra, Elements of Statistics, and non-major Calculus. This program has allowed tenure track, full-time university faculty to concentrate on teaching effectively college level mathematics courses (Attachment 2).

Dr. Bobby Patton addressed the committee as a proponent of **HB 2671**. He provided a report on the relationships with Wichita State University and the Community Colleges. It provides a five year figure for Course Approval and Denial, Current Consortial Agreements, Barriers to or Constraints upon Consortial

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION, Room 123-S Statehouse, at 1:30 p.m. on March 5, 1996.

Agreements and Expected Benefits from Consortial Agreements (Attachment 3).

Dr. James Grote addressed the committee as a proponent of HB 2671. He stated that locally-elected Community College Boards of Trustees are answerable to their constituents for their stewardship and should be given latitude to deal with budgetary matters, admission policies, and graduation requirements. Therefore, local Boards of Trustees should be given the opportunity to set their own tuition rates for out-of-state students, in order to better serve the educational needs of the local communities and areas (Attachment 4).

**HB 2913: Concerning school districts authorizing boards of education to enter in to meal service**

Representative Lisa Benlon addressed the committee as a proponent of HB 2913. She stated that this bill would authorize public school districts to contract with private schools and child-care facilities for lunch services. The bill is written to be permissive. It is not intended to mandate any school to provide lunch to non-public institutions. While providing for the service, the public school will pass all costs incurred to the non-public school or child-care institution. Lunches will not be subsidized by public school funds (Attachment 5).

Mark Tallman addressed the committee as a proponent of HB 2913. He stated that the passage of this bill will help school districts already entering into contracts with private schools and child care institutions become in compliance with the state law. However, if the local situation does not make such contracts appropriate, HB 2913 does not require boards to enter into such a contract (Attachment 6).

Mari Pat Brooks addressed the committee as a proponent of HB 2913. She stated that the bill would give the school districts the option to enter into a contact with a nonpublic school or a child care center for the provision of meals for the children of Kansas taxpayers. Including the nonpublic school children within the public school lunch program would increase the number and would give the district the benefit of increased volume with little additional expense. It will also allow the school districts to be in compliance with the state law (Attachment 7).

Jim Yonally, Shawnee Mission Schools, expressed his support for HB 2913 and urged the committee to pass the bill out favorably.

The meeting adjourned at 2:25 p.m.

The next meeting is scheduled for March 6, 1996.

# SENATE EDUCATION COMMITTEE GUEST LIST

DATE: March 5, 1996

| NAME                    | REPRESENTING                           |
|-------------------------|--|
| <i>D. Ayl</i>           | <i>KACC</i>                            |
| <i>Mark Vatman</i>      | <i>KSTS</i>                            |
| <i>Merle Hill</i>       | <i>KACC</i>                            |
| <i>Jim Youally</i>      | <i>USD #572</i>                        |
| <i>Ann Burnett</i>      | <i>USD 501#</i>                        |
| <i>Jane Eason</i>       | <i>SRS</i>                             |
| <i>Mauriat Brooks</i>   | <i>Ks. Catholic Conf.</i>              |
| <i>Bob Sandstrom</i>    | <i>FHSU</i>                            |
| <i>Ron Blumh</i>        | <i>FHSU</i>                            |
| <i>J. M. Allen</i>      | <i>KEC</i>                             |
| <i>Gerald Henderson</i> | <i>USA #65</i>                         |
| <i>#</i>                |  |
| <i>Margie Griggs</i>    | <i>KAAUTS</i>                          |
| <i>Bill Reeves</i>      | <i>NKC AUTS</i>                        |
| <i>STEVE KEANE</i>      | <i>KAAUTS</i>                          |
| <i>Jo Ann Sharp</i>     | <i>Seward Co. Comm. College</i>        |
| <i>Doug Fitch</i>       | <i>Seward Co. Cnty. College</i>        |
| <i>Jim Geary</i>        | <i>Seward Co. Comm. College</i>        |
| <i>Dave DeWae</i>       | <i>State Council on Vocational Edu</i> |

*Brenda Webb*  
*Lisa Gordon*  
*Friedrich & M. Meilon*  
*Bill Musick*  
*Bill D. Ste*

*Sen. Hensley*  
*Sen. Hensley*  
*St. Bd. of Ed.*  
*St Bd of Ed.*  
*Wichita State Univ.*

*Wichita State University*  
  
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*Cowley*  
*Committed to Teaching Excellence*  
*Office of the President*

To: **Senate Committee on Education**

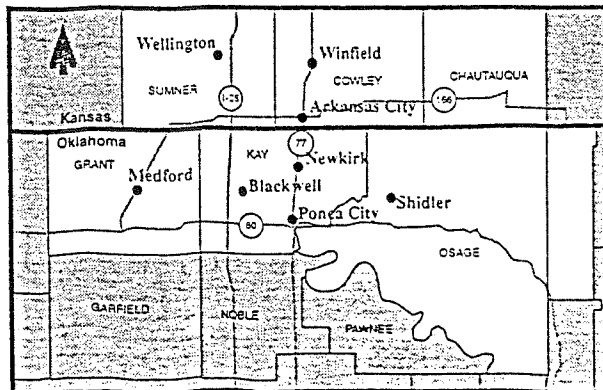
From: Patrick J. McAtee, President  
Cowley County Community College & Area Vocational-Technical School

Date: March 5, 1996

Subj: **House Bill No. 2671**, an act concerning community colleges; relating to student tuition rates.

Madam Chairman, members of the Committee, I am Pat McAtee, president of Cowley County Community College & Area Vocational-Technical College. Thank you very much for giving me the opportunity to address you on our College's interest in the passage of **HB 2671**.

Cowley County Community College & Area Vocational-Technical School is located two miles from the Oklahoma border and has the potential to serve 40,000 people within a thirty-mile radius to our south in the contiguous Oklahoma counties of Kay, Grant and Osage. The towns include Newkirk (2413), Ponca City (27,700), Blackwell (8,400), Shidler (708) and Medford (1419). Many people from these towns work and shop in the Cowley County service area. Shown below is a section of a map showing the area I am describing.



*Quality Education Since 1922*

SENATE EDUCATION  
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ATTACHMENT 1

A major contributor to our College, the Home National Bank, which recently contributed \$250,000 for our new Arts, Sciences and Technology building, has a branch in Ponca City which employs 80 people from Oklahoma. The College provides training for the bank, charges \$27 an hour for residents of Cowley County and is required by statute to charge \$81 an hour for residents of Oklahoma.

The College also has established a partnership with Pioneer Technical College in Ponca City and would like to offer an associate-degree completion program as we do for the Wichita Technical College. However, the \$81 per credit hour charge is a major barrier for Pioneer's students.

Currently, Cowley has 100 students from out of state. One half of these students are from Oklahoma. There are no student-athletes from the contiguous out-of-state counties of Kay, Grant and Osage. **The College does not receive any state funds for out-of-state students.**

Presently, the Board of Trustees has the authority to set tuition for in-state students. We support a bill that would extend this authority to include the contiguous border counties to our south in Oklahoma. This would allow us to serve better the many people who work in, shop in and frequent the Cowley County service area.

The College's trustees are not interested in providing education to Oklahomans but in serving those "extended residents" of Cowley County. They are elected officials and would never consider charging an out-of-state fee that is not greater than the fee charged to resident students.

The College's trustees would also like to you **extend for at least two years the currently authorized cooperative programs** between Wichita State University and area community colleges and Fort Hays State University and community colleges. The current authorization "sunsets" on June 30, 1996.

At present, Cowley County Community College & Area Vocational-Technical School has been authorized by President Hughes of Wichita State University to offer five courses (Introduction to Micro Computers, Beginning Composition, Beginning Algebra, Intermediate Algebra and General Psychology) at the University's south-side site at 47th Street and Oliver. Cowley County Community College has 40 students at this site, Wichita Technical 122 and Wichita State University 151. If authorized to continue this cooperative agreement, Cowley's goal is 50-60 FTE per semester.

Our College's trustees request that you **recommend House Bill No. 2671**, amended to extend cooperative programs, **favorably for passage.**



# Fort Hays State University

600 Park Street Hays, KS 67601-4099 (913) 628-4000

Testimony on H.B. 2671

**DATE:** March 4, 1996  
**TO:** Senate Education Committee  
**FROM:** Dr. Ron Sandstrom, Chair; Mathematics & Computer Science Dept. *Row*  
**RE:** Remedial mathematics class taught by Barton County Community College staff on the campus of Fort Hays State University

Fall 95 situation: Eight remedial mathematics class sections were offered to 254 students on FHSU campus. These eight sections were taught by four staff members hired and paid by Barton County Community College. These 254 students represent 42 percent of the total 605 students taking first year math courses. Of these 254, 124 (48.8%) were successful in the sense that they were able to enroll in a next level mathematics course. Fifty students (19.6%) did not complete the course.

Spring 96 situation: Four remedial mathematics class sections are being offered to 85 students. These four sections are being taught by one staff hired and paid by BCCC.

Other considerations: Approximately 36 percent of the students at FHSU are considered non-traditional. Many of these would be considered at-risk because of the lack of mathematics skills and the length of time since their last math course. Most would have graduated from high school with just two years of mathematics.

Advantages to Fort Hays State University: This program has allowed the Mathematics and Computer Science Department of Fort Hays State University to reduce the enrollment numbers in beginning mathematics classes to 35, thereby increasing teaching effectiveness. Courses so affected include College Algebra, Elements of Statistics, and non-major Calculus. This program has allowed tenure track, full-time university faculty to concentrate on teaching effectively college level mathematics courses.

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ATTACHMENT 2

*Dr. Bobby Patton*  
WICHITA STATE UNIVERSITY  
"THE METROPOLITAN ADVANTAGE"

REPORT ON RELATIONSHIPS WITH COMMUNITY COLLEGES  
SB 122

1. Relationship of Wichita State University to Community Colleges

If Wichita State University denies a course for out-district tuition, we do so because we are prepared to teach the course. Hence, the requesting agency's need would be met by Wichita State University. Generally, community colleges have found it to be too expensive to teach courses within Sedgwick County unless the community college receives approval for out-district tuition. However, in the case of courses taught out of Sedgwick County by community colleges that are taken by residents of Sedgwick County, Wichita State University does not have the right to deny out-district tuition and Sedgwick County is required to pay. An example would be Sedgwick County residents who choose to take classes from Butler County Community College in Butler County (Andover or Rose Hill).

2. Five Year Figures for Course Approval and Denial

Over a five year period, Wichita State University has approved 887 courses (20 were cancelled after approval) and has denied 453 courses. Since 1994, when the consortium became more active, the number of approved courses has increased. As can be seen in the attached table, from Fall '94 to and including Spring '96, WSU approved 635 courses accounting for 1749 course credit hours. Out-district tuition is calculated on the basis of number of students multiplied by the number of course hours multiplied by the tuition reimbursement. WSU is not able to track course enrollments in courses taught by other institutions.

3. Current Consortial Agreements

Wichita State University is a founding member of the South Central Consortium for Higher Education whose other members include Butler County Community College, Cowley County Community College, Hutchinson Community College, Pratt Community College, and the Wichita Area Technical College. The agreement among the members is to provide higher education to the residents of south central Kansas in an efficient and effective manner. Three members of the consortium, Cowley County Community College, Wichita Area Technical College, and Wichita State

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ATTACHMENT 3

University jointly use and coordinate their activities at the Wichita State University south side campus. The consortium has began a pattern of activities that allows the members to teach courses within south central Kansas in the most efficient manner. However, out-district tuition presents a problem for the consortium members, especially Wichita State University, because when WSU approves a course as being appropriately taught by a member of the consortium, Sedgwick County has to pay the out-district tuition and this situation leads to some problems with county government and their budgeting. For example, Sedgwick County paid \$1,907,354.40 in out-district tuition in FY 1995.

#### 4. Barriers to or Constraints upon Consortial Agreements

The major problem encountered by Wichita State University is the requirement of out-district tuition when a course is approved for Sedgwick County. In the opinion of Wichita State University, the sponsoring community college or technical college should be allowed to charge a tuition appropriate to the costs of teaching the course as supplemented by state aid but without the out-district tuition supplement from Sedgwick County.

#### 5. Expected Benefits from Consortial Agreements

Wichita State University, Cowley County Community College, and the Wichita Area Technical College expect the WSU south side campus to become a model of cooperation among very different schools. It is our goal to enroll a student in the course or courses most appropriate to the student's educational needs regardless of the institution offering the course. A student will be billed for the cost of instruction as determined by the regulations affecting each partner. Uniform records will be kept for every student, courses will transfer, and the student will be able to proceed in a system that will appear "seamless." However, the south side campus is only in its second semester of operation and expenses and benefits have not been determined.



**WICHITA STATE UNIVERSITY**  
"The Metropolitan Advantage"

**Approved Courses Fall '94 to Spring '96**

**Butler County Community College**

| Semester    | # of Courses | # of Course Credit Hours |
|-------------|--------------|--------------------------|
| Fall 1994   | 13           | 31 cr hr                 |
| Spring 1995 | 118          | 324.5 cr hr              |
| Summer 1995 | 69           | 170 cr hr                |
| Fall 1995   | 105          | 314.5 cr hr              |
| Spring 1996 | 118          | 318 cr hr                |
| Totals      | 423          | 1158 cr hr*              |

\*Includes McConnell AFB

**Cowley County Community College**

| Semester    | # of Courses | # of Course Credit Hours |
|-------------|--------------|--------------------------|
| Fall 1994   | 11           | 65 cr hr                 |
| Spring 1995 | 22           | 65 cr hr                 |
| Summer 1995 | 18           | 52 cr hr                 |
| Fall 1995   | 34           | 87 cr hr                 |
| Spring 1996 | 124          | 312 cr hr*               |
| Totals      | 209          | 581 cr hr                |

\*Start-up of Southside Center

**Hutchinson Community College**

| Semester    | # of Courses | # of Course Credit Hours |
|-------------|--------------|--------------------------|
| Fall 1994   | 0            | 0                        |
| Spring 1995 | 0            | 0                        |
| Summer 1995 | 1            | 5 cr hr                  |
| Totals      | 1            | 5 cr hr                  |

**Pratt Community College**

| Semester    | # of Courses | # of Course Credit Hours |
|-------------|--------------|--------------------------|
| Fall 1994   | 1            | 5                        |
| Spring 1995 | 0            | 0                        |
| Summer 1995 | 0            | 0                        |
| Totals      | 1            | 5 cr hr                  |

**Totals:                    # of Courses = 635                    # of Course Credit Hours = 1749**

**Out-district tuition paid by Sedgwick County in Fiscal Year 1995       =       \$1,907,354.40**

Note: WSU does not receive enrollment reports for approved courses and cannot calculate the amount of out-district tuition. However, the out-district tuition is calculated at a rate of \$28 x course credit hours x number of students.

## TESTIMONY

Good afternoon, Senator Lawrence, Chair, and Senator Emert, Vice-chair, and other members of the Senate Committee on Education. It is indeed a privilege to offer testimony in support of H.B. 2671: a House Bill related to out-of-state tuition.

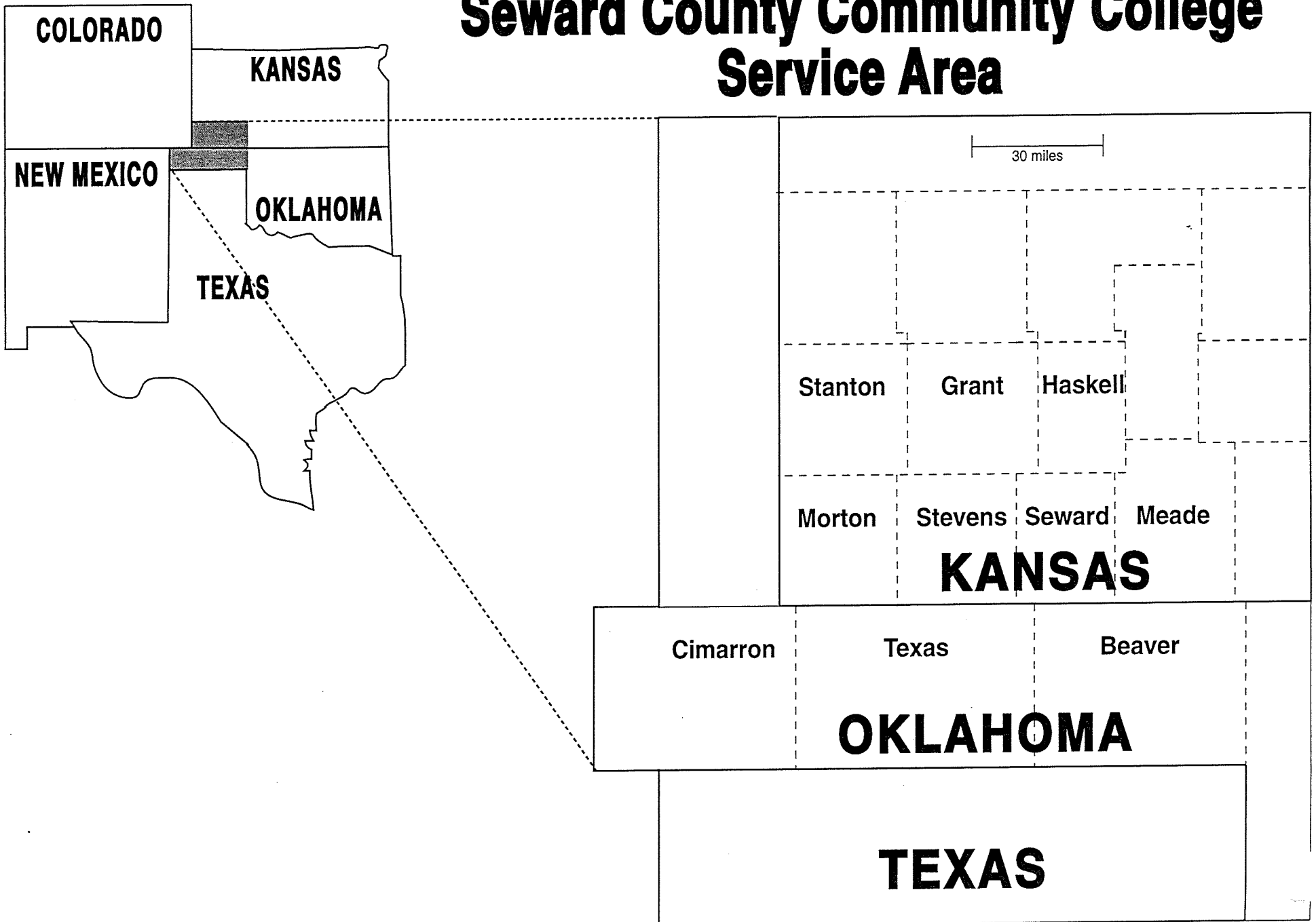
My name is James Grote, President, Seward County Community College, Liberal, Kansas. As you are aware, in 1995, the Kansas Legislature recognized that local Community College Boards of Trustees should be given the responsibility of establishing tuition policies for their respective institutions without having to follow mandates set by the Kansas Legislature. The one exception, however, is the requirement to charge out-of-state students three(3) times the tuition rate of in-state students. No state funds are received by the community colleges for out-of-state students.

Seward County Community College is located in Liberal, Kansas. Residing in a border county, Seward County Community College is located some three miles from the Oklahoma line and only 32 miles from the State of Texas. This is graphically demonstrated by the map on the following page.

The population of Seward County(1990 Census) was 18,743; the population of Liberal, Kansas, was estimated at 16,492(1990 Census). Based upon data from the 1992-93 Kansas Statistical

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ATTACHMENT 4

# Seward County Community College Service Area



4-2

Abstract, Seward County was listed as having a "pull" factor of 1.49, ranked as one of the top three Kansas Counties with the highest "pull" factor (a "pull" factor which is higher than 1.0 indicates that the county is attracting business). Thus, Seward County and Liberal, Kansas, are regional trading/shopping centers, attracting business/industry and trade traffic from Oklahoma, Texas, and Colorado.

Based upon the Fall, 1995 Semester, Seward County Community College had a total headcount enrollment of 1801. Of that total, out-of-state enrollments accounted for 16 percent (289 out-of-state enrollments). Of this 16 percent, nearly 68 percent of that total was from Oklahoma; 24 percent was from Texas; 5 percent was from Colorado; with the remaining 3 percent from other states. As a border county, the percentage of out-of-state enrollments is certainly understandable. In addition, and as a regional trading/shopping center, there is a great deal of mobility with the population moving back and forth across the state lines.

Competition for students in southwest Kansas occurs among a number of out-of-state educational institutions. The closest to Seward County Community College are Panhandle State University, Goodwell, Oklahoma, and West Texas A & M, Canyon, Texas. **Both institutions waive out-of-state tuition to Kansas residents.** Additionally, Oklahoma State University waives out-of-state tuition to high school students under conditions of grade point and ACT scores.

The waiving of out-of-state tuition is also practiced in Kansas. For example, the Board of Regents has extended this opportunity to Pittsburg State University and authorizes the waiving of out-of-state tuition to students who reside within a particular radius of the PSU campus. Additionally, the Kansas Area Vocational Technical Schools have the authorization to treat out-of-state students as in-state following the students' declarations of intent to reside in Kansas (if the students are eighteen years of age or older).

The above conditions are exacerbated by the rapid change in and increasing sophistication of educational technology, such as Instructional Television Networks, satellite programming, and the internet. In many instances, and at Elkhart, Kansas, as an example, out-of-state institutions, such as Lamar Community College, Lamar, Colorado, and Panhandle State University, Goodwell, Oklahoma, are providing educational services across state lines using this technology. With the development of this technology, state lines simply delineate geographic features on a map, rather than establish boundaries that separate and define access to higher educational services.

As an institution in a border county, it is increasingly difficult, if not impossible, to remain responsive and serve the needs of our community/area in this type of competitive environment without control/flexibility over out-of-state tuition. Our out-of-state

restrictions impede the ability of our institution to adapt and adjust to our environment.

Certainly, we are not advocating the ability to call out-of-state residents, Kansas residents, but rather to allow locally-elected Boards of Trustees to have the authority to establish out-of-state tuition rates. No state funds are received by the community college for out-of-state students.

In the final analysis, locally-elected Community College Boards of Trustees are answerable to their constituents for their stewardship and should be given latitude to deal with budgetary matters, admission policies, and graduation requirements. Therefore, local Boards of Trustees should be given the opportunity to set their own tuition rates for out-of-state students, in order to better serve the educational needs of their local communities and areas.

LISA L. BENLON  
REPRESENTATIVE, 17TH DISTRICT  
REPRESENTING PORTIONS OF  
SHAWNEE AND LENEXA  
7303 EARNSHAW  
SHAWNEE, KANSAS 66216  
TOPEKA: (913) 296-7678  
SHAWNEE: (913) 268-4326



TOPEKA

HOUSE OF  
REPRESENTATIVES

COMMITTEE ASSIGNMENTS  
VICE CHAIRMAN: GOVERNMENTAL ORGANIZATION  
AND ELECTIONS  
MEMBER: ECONOMIC DEVELOPMENT  
SELECT COMMITTEE ON  
HIGHER EDUCATION

Testimony before the Senate Education Committee  
House Bill 2913  
March 5, 1996

Chairman Lawrence and Committee Members,

Thank you for the opportunity to testify in support of HB 2913.

House Bill 2913 will authorize public school districts to contract with private schools and child-care facilities for lunch service.

The bill is written to be permissive. It is not intended to mandate any school to provide lunch to non-public institutions.

While providing for this service, the public school will pass all costs incurred to the non-public school or child-care institution. Lunches will not be subsidized by public school funds.

When my school district attempted to do this, it was challenged as to whether it could be done legally.

I have a list of 18 public school districts which are currently doing what this bill will allow. House Bill 2913, if adopted, will allow these 18 districts to be in compliance with the law.

I'll stand for questions.

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ATTACHMENT 5





TO: Senate Committee on Education  
FROM: Mark Tallman, Director of Governmental Relations  
DATE: March 5, 1996

RE: **Testimony on H.B. 2913 - School district meal contracts with certain institutions**

Madam Chairman, Members of the Committee:

We appear today as strong proponents of H.B. 2913.

Currently, state statutes do not specifically authorize school boards to enter into contracts to provide meals for private schools or child care institutions. As is often the case, many districts are already doing just that. Clearly this is and should be a local decision. A school board may wish to enter into these contracts because of a perceived community need, to build better relations with private institutions, or to increase the food service program's volume and operate more efficiently. H.B. 2913 would allow districts to do so with the sanction of state law. On the other hand, if the local situation does not make such contracts appropriate, H.B. 2913 does not require boards to enter into such contracts.

H.B. 2913 is, of course, the kind of legislation which we hope will be unnecessary in future if the Legislature enacts the concept contained in S.B. 481, the school board "home rule" bill this committee and the Senate has already passed.

However, until a broader bill becomes law, we will continue to need the kind of legislation before you today, and so we urge you to recommend favorably H.B. 2913.

Thank you for your consideration.

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ATTACHMENT 6

## TESTIMONY

### H.B. 2913

Senate Education Committee, Room 123S  
March 5, 1996 1:30 P.M.

### KANSAS CATHOLIC CONFERENCE

**Mari Pat Brooks, Associate Director for Education**

My name is Mari Pat Brooks and I am the Associate Director for Education for the Kansas Catholic Conference which represents the four Catholic Bishops of the State of Kansas. I testify in support of the concept of House Bill 2913.

School lunches are an important part of our educational system. Studies have shown that children who are well nourished perform better in school. This bill will give the school districts the option to enter into a contract with a nonpublic school or a child care center for the provision of meals for the children of Kansas taxpayers.

Including the nonpublic school children within the public school lunch program would increase the number and would give the district the benefit of increased volume with little additional expense.

Many public school districts already contract with private or nonpublic schools to satellite food service. This legislation legalizes this effort. I know of at least one school in Johnson County who currently does not have a hot lunch program available and would welcome this opportunity according to a survey completed last month. Our Superintendents tell us that this arrangement makes good common sense in the smaller communities.

There are some concerns and possible amendments: 1) if the child is a resident of the district, the price charged should be the same regardless of the attendance site, because the parents are already taxpayers 2) who compiles the applicable state reports and reimbursement expense? 3) who hires and pays the employees of the program?

Thank you for the opportunity to speak to you today.

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ATTACHMENT 14